

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LAURENCE R. GOODEN,

8:07CV253

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

DOUGLAS COUNTY

DEPARTMENT OF

CORRECTIONS MEDICAL

DEPARTMENT, et al.,

Defendants.

This matter is before the court on its own motion. On December 26, 2007, the court entered a Memorandum and Order allowing Plaintiff to proceed on his claims against Nurse Janice Unknown. The Order also granted Plaintiff leave to amend his Complaint in order to state a claim upon which relief could be granted against Douglas County Department of Corrections Medical Department, T.D. Gensler, or Tracy Brisso. (Filing No. 13.) Plaintiff filed an Amended Complaint on January 9, 2008, which named T.D. Gensler and Nurse Janice Unknown as Defendants. (Filing No. 14.) After reviewing the Amended Complaint, the court finds that Plaintiff has complied with its December 26, 2007 Memorandum and Order and that service on Defendants is now warranted. Plaintiff has specified that Defendants are sued only in their individual capacity.

IT IS THEREFORE ORDERED that:

1. To obtain service of process on Defendants, Plaintiff must complete and return the summons forms which the Clerk of the court will provide. The Clerk of the court shall send TWO (2) summons forms and TWO (2) USM-285 forms (for service on Defendants in their individual capacity only) to Plaintiff together with a copy of this Memorandum and Order. Plaintiff shall, as soon as possible, complete the forms

and send the completed forms back to the Clerk of the court. In the absence of the forms, service of process cannot occur.

2. Upon receipt of the completed forms, the Clerk of the court will sign the summons forms, to be forwarded with a copy of the Amended Complaint to the U.S. Marshal for service of process. The Marshal shall serve the summons and Amended Complaint without payment of costs or fees. Service may be by certified mail pursuant to Fed. R. Civ. P. 4 and Nebraska law in the discretion of the Marshal. The Clerk of the court will copy the Amended Complaint, and Plaintiff does not need to do so.

3. Fed. R. Civ. Pro. 4 requires service of the complaint on a defendant within 120 days of filing the complaint. However, because in this order Plaintiff is informed for the first time of these requirements, Plaintiff is granted, on the court's own motion, an extension of time until 120 days from the date of this order to complete service of process.

4. Plaintiff is hereby notified that failure to obtain service of process on a defendant within 120 days of the date of this order may result in dismissal of this matter without further notice as to such defendant. A defendant has twenty (20) days after receipt of the summons to answer or otherwise respond to a complaint.

5. The Clerk of Court is directed to set a pro se case management deadline in this case with the following text: "August 28, 2008: Check for completion of service of summons."

6. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court. Plaintiff shall keep the court informed of his current address at all times while this case is pending. Failure to do so may result in dismissal.

7. The Clerk of the court is directed to terminate Douglas County Department of Corrections Medical Department and Tracy Brisso as defendants in this matter.

April 30, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge